



STATE OF INDIANA

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June 22, 2015

Ms. Rebekah A. Atkins
5017 E. Tunnel Rd.
Marengo, Indiana 47140

Re: Formal Complaint 15-FC-145(a); Alleged Violation of the Access to Public Records Act by the Dubois County Health Department

Dear Ms. Atkins,

This advisory opinion is in response to your formal complaint alleging the Dubois County Health Department ("Department") has violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has issued a response via Ms. Donna Oeding, Administrative Director. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 11, 2015.

BACKGROUND

Your complaint dated April 23, 2015 alleges the Dubois County Health Department violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

You have been seeking a copy of your mother's birth certificate. You contend that on July 7, 2014, you were informed you could search the Department's records to search for the birth certificate. However, you contend the registrar refused you access to the Birth Record books. She allegedly informed you birth records are confidential until seventy-five (75) years after creation; however, she refused you access to records older than seventy-five (75) years.

ANALYSIS

The public policy of the APRA states that "a (p)roviding person with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Dubois County Health Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to

inspect and copy the Department's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

In its response, the Department notes that a request for inspection of records must identify the record with reasonable particularity. See Ind. Code § 5-14-3-3. You are unaware of your mother's true name and birthdate to give more specificity and are seeking to access all of the birth books to find her information.

Please be advised that although the birth and death records maintained and created by the Health Department are public records, they may not all be *disclosable* public records. There are several instances (adoption information, personal health information, etc.) where a birth or death book maintained by the Department may contain confidential information which is not to be disclosed. Because of this, vital records departments statewide often have policies which do not allow *carte blanche* access to their 'books'.

As noted above, a request for public records must be made with reasonable particularity. This means a request will have enough specificity to allow the public employee to search an agency's records to produce the records sought. The Access to Public Records Act does not provide for unfettered access to the records an agency maintains. This is due to the sensitive nature of some records. Such is the case in the present instance. Because the books may contain non-disclosable information, it stands to reason the Department does not allow the public to search. Rather, it solicits reasonably particular search terms so the registrar may identify an individual record (or set of records) and disclose them without compromising the integrity of any other confidential record.

As for any customer service grievances you may have with Dubois County, as identified in your complaint, this Office does not comment on such matters.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Dubois County Health Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Ms. Donna Oeding